

Advisory Opinion

IECDB AO 2010-10

Subject: Dispersion of Campaign Funds/Campaign Property on Behalf of Deceased Candidate

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(12) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the dispersion of campaign funds and campaign property on behalf of a deceased candidate. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

The question has been raised concerning who is responsible for dispersing remaining campaign funds on behalf of a deceased candidate. We first note that under Iowa Code section 68A.203 campaign funds are to be separately maintained from a candidate's personal funds. In addition, Iowa Code sections 68A.301, 68A.302, and 68A.303 place limitations on the use of candidate campaign funds. Finally, Iowa Code section 68A.304 limits the disposition of candidate campaign property. Based on these statutory provisions, the campaign funds and campaign property of a deceased candidate cannot become part of the candidate's estate and must be separately dispersed as provided in the campaign laws.

While the campaign laws do not expressly discuss this scenario, under Iowa Code section 68A.203 it appears that in the event a candidate was to become deceased, it would be the legal responsibility of the campaign treasurer to ensure the proper and legal dispersion of campaign funds and campaign property. In the event that no campaign treasurer was available to assume these duties, then another committee officer would assume the legal responsibility.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Patricia Harper, Vice Chair
Gerald Sullivan
John Walsh

Saima Zafar
Carole Tillotson

Submitted by: W. Charles Smithson, Board Legal Counsel